

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
VS. § CRIMINAL ACTION NO. 4:20-CR-
JUSTIN MOUTON § 00501
§
§

ORDER

This case is set for a status conference on April 3, 2023, at 11:30 AM. A status conference was previously held on March 27, 2023. At that status conference, and from parties' prior and subsequent filings with the Court, three observations have become increasingly clear.

First, this Court has previously found that the delay in the provision of treatment for Mr. Mouton constitutes a violation of the Due Process Clause. It has now become clear that it is not just Mr. Mouton's Due Process rights that are being violated. Rather, the Bureau of Prisons (BOP) has represented to the Court that nearly all individuals in Mr. Mouton's situation are facing a similar wait time. In other words, the deprivation of Due Process rights is systemic, not individual.

Second, although the BOP is aware that there is a problem with wait times and purports to be taking steps to address the issue, the steps that they are taking are clearly inadequate. Wait times for competency restoration programs have increased.

Third, Mr. Mouton's medical needs are not being met. There are significant gaps in communication regarding both his placement and his treatment. The medical team at Joe Corley Detention Center and other BOP officials do not seem to even have a shared understanding about what Mr. Mouton's medical needs are.

Accordingly, the following individuals are **ORDERED** to appear **IN PERSON** to testify at the April 3, 2023, hearing:

- Dr. Dia Boutwell;
- Kathleen DeGregorio, or another medical professional who (1) has provided medical treatment to Mr. Mouton at the Joe Corley Detention Center and (2) can competently testify about the overall scope of treatment that Mr. Mouton has received there; and
- An individual from the Marshal's Office with complete information about the procedures in place used to ensure all Court Orders are appropriately transferred to the Bureau of Prisons.

Further, the following individual is **ORDERED** to appear **TELEPHONICALLY** to testify at the April 3, 2023, hearing:

- A forensic psychologist who is currently employed at the BOP medical center in Springfield, Missouri (USMCFP Springfield) and is able to testify about the procedures, capacity, and conditions at that facility.

If either party wishes to request any additional witnesses to appear at either the April 3, 2023, status conference, or at any subsequent status conference in this case, a written request may be submitted to the Court no later than 48 hours prior to the relevant hearing.

IT IS SO ORDERED.

Signed at Houston, Texas on March 30, 2023.



Keith P. Ellison
United States District Judge